

**State of California
Office of Administrative Law**

In re:
**Department of Corrections and
Rehabilitation**

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections: 3999.23

Amend sections:

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

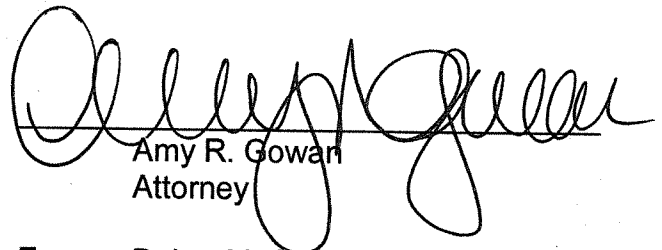
OAL Matter Number: 2017-0413-03

OAL Matter Type: File and Print Only (FP)

This action by the Department of Corrections and Rehabilitation adopts section 3999.23 as a pilot program on enterprise inmate communication. This filing is exempt from Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code pursuant to Penal Code section 5058.1 and is not subject to review by the Office of Administrative Law. This action is effective on filing with the Secretary of State pursuant to Penal Code section 5058.1 and remains in effect for two years.

OAL filed this regulation(s) or order(s) of repeal with the Secretary of State, and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations.

Date: May 11, 2017



Amy R. Gowan
Attorney

**For: Debra M. Cornez
Director**

**Original: Scott Kernan
Copy: Laura Lomonaco**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2017-0413-03FP	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAY 11 2017

1:40 PM

2017 APR 13 P 3:16

OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)

17-0001

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER		FAX NUMBER (Optional)	
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) ENTERPRISE INMATE COMMUNICATION -PILOT PROGRAM		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 3999.23
	AMEND
	REPEAL
TITLE(S) Title 15	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Penal Code 5058.1 - Pilot Program</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Laura Lomonaco	TELEPHONE NUMBER 916-445-2217	FAX NUMBER (Optional) 916-324-6075	E-MAIL ADDRESS (Optional) Laura.Lomonaco@cdcr.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

RALPH M. DIAZ, UNDERSECRETARY, OPERATIONS

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 11 2017

Office of Administrative Law

Adopt Revisions to Section 3999.23 Enterprise Inmate Communication – Pilot Program

State of California

Department of Corrections and Rehabilitation

Memorandum

Date : March 28, 2017

To : Associate Directors, Division of Adult Institutions
Wardens

INSTRUCTIONAL MEMORANDUM

Subject: **ENTERPRISE INMATE COMMUNICATION PILOT PROGRAM**

The purpose of this memorandum is to announce the implementation of the California Department of Corrections and Rehabilitation (CDCR) Enterprise Inmate Communication (EIC) pilot program. During the pilot program, inmates can access kiosks with or without a tablet for various services, such as email, purchasing and downloading of movies, books, music, and additional features as identified in this memorandum.

PILOT PROGRAM REQUIREMENTS

The EIC pilot program is operating under the authority of Penal Code Section 5058.1. This pilot program will be at five (5) designated institutions (listed below). The designated contractor will provide kiosks at no cost to CDCR. Inmates will have the opportunity to purchase one of two tablets (4.3 inch and 7 inch). Inmates will be allowed to take their purchased tablets to the installed kiosks in order to access various services. Inmates must have a vendor account in order to purchase services. When the inmate connects the tablet to the kiosk, the connection is done through a USB cable, which then allows the inmate to download the services purchased. Inmates who do not purchase tablets will still have the ability to utilize the kiosks for limited services. The tablets and kiosks are a privilege for inmates, and will provide more communication with family, and access to authorized media platforms for entertainment and educational purposes. A process has been developed for the inmate to have a secure login. An inmate's family and friends will have the ability to create a vendor account for email and other services. The inmate is required to have money in his/her trust account in order to purchase media, send emails, VideoGrams, and other services as provided.

CDCR will evaluate the feasibility of expanding the use of inmate kiosks to all 35 adult prisons. CDCR will monitor the functionality of the devices at the pilot institutions, and determine the benefits and viability of available services.

PILOT PROGRAM LOCATION AND DURATION

The EIC pilot program will be implemented at the following:

- Central California Women's Facility (All Yards);
- High Desert State Prison (C Yard);
- Kern Valley State Prison (C yard);

- California Institution for Women (All Yards) and;
- Substance Abuse Treatment Facility and State Prison, Corcoran (All Yards).

The pilot program will be in effect for up to 24 months upon executive approval, and will expire by operation of law at the end of this period unless it is promulgated through the Administrative Procedure Act prior to expiration.

PROGRAM STRUCTURE

The primary purpose of the EIC is to allow inmates access to more opportunities to assist in their rehabilitation, education, and communication during their time of incarceration. The kiosk provides the inmates with the technology to send and receive emails to and from approved family and friends. The kiosks are programmed for a multitude of services. CDCR will be implementing four (4) primary services with the ability to add more. The primary services initially being offered are:

- Inmate Email Communications (Inbound and Outbound)
 - Vendor Provided Screening Services
- Inmate Fax Correspondence (Inbound)
- Media and Media Distribution
 - VideoGrams
 - Prepackaged E-Cards
 - Pre-approved Movies, Reading Materials, Games, and Music
- Inmate Printing Services
 - Standard and Braille Printing Options

The Secretary has the ultimate responsibility for ensuring the pilot program is being implemented to CDCR standards.

Enterprise Information Services (EIS) is responsible for the procurement, architecture, data communication network, implementation and access control of all kiosks and tablets, as well as ongoing hardware and software support contracts and licensing. All kiosks and tablets, and their systems, shall be evaluated and approved by EIS to ensure all hardware, software, and communication platforms comply with CDCR standards and guidelines.

The Warden has the overall managerial responsibility for the kiosk and tablet process at the institution. The Warden shall establish a Local Operational Procedure instructing staff on the use of the kiosks and tablets. Plant Operations staff shall be responsible for coordinating with EIS and the contractor for any structural and electrical needs for the placement of the kiosks.

PROGRAM PROCEDURES

Privilege Group and Access

Inmates who meet the privilege group criteria as listed below will be allowed to utilize the services provided by the kiosk:

- Privilege Group A:
 - Kiosk access during the inmate's non-work/training hours limited only by institution/facility capabilities. The Kiosk sign up will be similar to the Institutions telephone process.
- Privilege Group B:
 - Four kiosk access periods per month under normal operating conditions.
- Privilege Groups C, D, and U:
 - No access to kiosk machines

Optional Service

While the pilot program is in operation, CDCR shall continue to explore whether to implement additional services offered by the vendor. Should such implementation be desired during the pilot program, CDCR will amend this pilot program to include them.

ADA Compliance

Kiosks and tablets are compliant with the structural and access requirements of the Americans with Disability Act (ADA).

Purchasing of Vendor Stamps via Trust Withdrawal

Inmates may purchase electronic stamps for the kiosk machine. Stamps are the vendor approved method for money used to buy services. A Trust Account Withdrawal Order (TWO) form shall be completed by the inmate for all purchases and the inmate shall forward the completed form to the institution Accounting Office via institutional mail for processing.

Scheduling

Kiosk machine sign-up sheets will cover seven days, starting on Sunday and ending on Saturday, and be maintained and logged weekly. Sign-up sheets shall be divided into 20-minute increments and will be accepted during program hours on second and third watch. An inmate must present his/her identification card to sign up for pre-determined timeslots. Inmates may not sign up for a time slot during their work/training hours. If an inmate's use of the kiosk machine is cancelled for any reason outside of the inmate's control, the inmate will be allowed to sign up for a vacant time slot during the same day as the cancellation, if available. Officers may terminate an inmate's use of the kiosk machine during his/her scheduled time to preserve safety and security of the institution and/or prevent damage to the kiosk machine. The reason for the termination shall be documented using established disciplinary process rules and regulations.

Security Protocols

The Investigative Services Unit (ISU) and/or Captain and above will have full access to the Vendor-Hosted Secured Network Portal to perform a variety of tasks associated with administering, monitoring, and/or overseeing the EIC, including, but not limited to:

- Granting and/or denying inmates and/or their family/friends access to any EIC services based on Title 15, Section 3135, *Disturbing or Offensive Correspondence*.
- The Office of Correctional Safety (OCS) and ISU may investigate any and all data related to CDCR, any inmates, and/or any of their family/friends who are/were registered on the Vendor-Hosted Secured Network and/or utilizing any good(s) and/or service(s) made available through this system.

A notice, in English and Spanish languages, shall be posted at each kiosk machine stating: "All use of this machine may be monitored and recorded without prior notice to the user. Use of this machine constitutes consent to monitoring." A notice of monitoring shall be made available in the Inmate Orientation Handbook distributed by the institution.

Disciplinary Action

Inmates shall not use another inmate's tablet for any of the kiosk services, as possession of non-authorized property is possession of contraband under Title 15, Section 3006, (Contraband). If the inmate is found to have violated this rule, disciplinary action will be initiated according to Title 15, Article 5, Inmate Discipline. Kiosk machine loss of privileges procedures shall be implemented using established disciplinary process guidelines. The kiosk machine is to be added to the Strategic Offender Management Services (SOMS) Rules Violation Report section for a Senior Hearing Officer/Hearing Officer to consider as a loss of privilege, similar to taking telephone use as a loss of privilege.

Kiosks

The kiosk contains tools an inmate may use to correspond and meet rehabilitation needs. Inmates are provided with unique login credentials. The kiosk features a dedicated network protected by multiple firewalls, providing layers of protection at the-application level, network level, and server level. The kiosks are installed and maintained by the contractor, and can be monitored through the contractor's administrative portal. The kiosk has many services available which have been outlined above.

Tablets

The contractor offers two (2) tablet sizes that inmates may purchase to interface with the kiosk. There is a 4.3 inch and 7 inch version. Designed to work over a secure Wi-Fi network or in conjunction with the kiosk, these secure, hardened tablets provide CDCR with a high degree of control over content and use. The tablets are optimized for educational content, as well as communication and media services, such as email, music download, and photo viewing.

The tablets feature passive radio frequency identification (RFID) to verify ownership, a secure technological block that prohibits other operating systems from being installed, and shall be locked if they do not sync with the Kiosk after a specific period of time. If they do become locked due to failure to sync, the tablet will be unlocked at no cost to the inmate. All content loaded to a tablet is subject to a rigorous approval process, certifying applications adhere to CDCR security requirements. The clear bodied devices are also temperature and impact resistant, and designed to withstand heavy usage in a correctional environment.

The four (4) primary services initially being offered are:

1. Inmate Email Communications (Inbound and Outbound)

The contractor's email service provides an unprecedented degree of control over outbound and inbound correspondence. Every outbound and inbound email and photo attachment can be closely monitored to prevent contraband images and communications from reaching an inmate. Additionally, automated flagged word lists and graphical relationship mapping are among the platform's intelligence functions. The vendor will work hand in hand with the OCS to ensure coded words are integrated into functional monitoring of communications. The emails provide CDCR with marked reduction in traditional mail and contraband introduction.

2. Inmate Fax Correspondence (Inbound)

The contractor will provide CDCR a fax machine and paper at no cost. The fax machine will be placed in the mailroom, and will only be used for incoming communication. When a fax is received, mailroom staff shall be responsible for screening and forwarding the correspondence to the inmate using established mail procedures.

3. Media and Media Distribution

A) VideoGram (Inbound only)

VideoGrams are 30 second video clips sent from inmates' friends and loved ones. VideoGram service lets friends and family capture and share special moments with their incarcerated loved ones, while CDCR retains the ability to screen and control all content. The secure platform has the ability to audit and archive every video clip. VideoGrams offer enhanced intelligence compared to legacy communications like phone calls and in-person visits. A smart filter streamlines the in-facility review process, reducing CDCR workload, while allowing for faster release of VideoGrams. Approved staff also has the ability to suspend, block, or restrict users and inmates from using the service at any time.

B) Music

The contractor's music offering, which works in conjunction with the tablets, is the only dynamic music delivery platform in the industry. The music store is customized for the corrections environment. The process of purchasing and downloading songs is fast and easy, and content control is centralized for CDCR staff. The catalog of more than 10 million tracks is entirely free of explicit lyrics, and is managed by a dedicated team trained to identify objectionable material. CDCR also has the ability to restrict the music catalog even further via the facility system.

C) eBooks

Inmates purchase eBooks from the inmate kiosks and download them to their tablet. The eBook library includes more than 49,000 books from large and independent publishers in genres including classics, educational material, history, and religious study. Only vendor eBooks can be viewed on the tablet; non-native eBook file formats and contraband are not supported.

Note: *All screens on the inmate kiosks are available in English and Spanish. All eMessages reviewed on the institution system can be translated from Spanish (and a myriad of other languages) to English with the click of a button. In addition, all ads and information campaigns are produced in English and Spanish. The contractor's call center has many bilingual agents who are available to service the Spanish market segment.*

4. Inmate Printing Services

The vendor will provide a printer and paper, similar to the Fax services, which will be installed in the mailroom giving the inmates the ability to print documents received from the Kiosk and downloaded onto the tablet. The services will be offered in both standard and braille. There will be a nominal fee incurred by the inmate for printing services at no cost to the state.

RESEARCH AND EVALUATION

Once the pilot program has been implemented, CDCR shall evaluate and assess its effectiveness for inmate usage, reliability and services offered.

If you have any questions, please contact Steve Faris, Captain, General Population Males Mission, at (916) 324-2758 or Steven.Faris@cdcr.ca.gov.



KATHLEEN ALLISON
Director
Division of Adult Institutions



RUSSELL J. NICHOLS
Director
Enterprise Information Systems

Attachments

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